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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ADRIAN LUGO,

Defendant and Appellant.

B235800

(Los Angeles County
Super. Ct. No. KA093907)

THE COURT:*

On July 13, 2011, a jury found Adrian Lugo (appellant) guilty of first degree burglary (Pen. Code, § 459).¹ Prior to the jury trial, appellant pled no contest to one count of receiving stolen property (§ 496, subd. (a)).² Appellant was sentenced to the midterm of four years on the burglary conviction and to a concurrent term of two years on the receiving stolen property conviction.

We appointed counsel to represent him on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On April 20,

* DOI TODD, Acting P. J., ASHMANN-GERST, J., CHAVEZ, J.

¹ All further references to statutes are to the Penal Code, unless stated otherwise.

² A case unrelated to the burglary for which he was convicted.

2012, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

Appellant's conviction was based upon the following facts: On March 9, 2011, at approximately noon, Edward Guerrero was driving to his home on Cogswell Road, in the city of El Monte. He saw two people near his neighbor Edward Romero's residence cross the street carrying bags. He recognized appellant as one of the two people and knew him by the name "Adrian." He saw appellant walk over and talk to his daughter, Elizabeth Guerrero, who was parked across the street. As he drove by the Romero residence he saw that the fences and the back were "jarred open." The Romero's dog which was usually inside the house, was outside. Edward Guerrero called the police because he thought the Romero residence had been burglarized.

Elizabeth Guerrero and her boyfriend, Robert Valdez, were sitting in a car outside her parents' house on Cogswell Road. She saw people coming from the direction of the Romero residence carrying grocery bags. She spoke with one of the individuals whom she identified as "Adrian" and had known for "four or five" years.

Edward Romero testified that when he left for work at 7:30 a.m. on March 9, 2011, his dog was inside the house, the doors and windows were locked, and the gates were latched. When he returned sometime around noon, police officers were at his home. The screen door had been torn off and the house was ransacked. Small items were missing including I-pods, cameras, and jewelry which Romero estimated to be worth close to \$50,000.

El Monte Police Officer Michael Paredes responded to the burglary call. He saw the gates to the driveway were open, the screen door on the south side of the property had been cut and the door was open. Everything was scattered inside the residence and it "looked like the house was turned upside down."

Officer Paredes spoke with Elizabeth Guerrero who told him that she saw two men who she knew did not live at the Romero house walk down the driveway. Appellant was

one of the two and he was carrying either a DVD or a CD case. After appellant spoke with her, he and the other man walked to a nearby parked car and drove away.

Robert Valdez told Officer Paredes that he was sitting in the vehicle with Elizabeth Guerrero and saw two men walking down the driveway of the Romero residence but did not recognize them. Officer Paredes described Valdez as uncooperative.

Detective Adam Girgle of the El Monte Police Department arrived at the scene approximately 30 to 35 minutes after Officer Paredes. He interviewed the witnesses regarding identifications. Elizabeth Guerrero selected appellant's photo from a six-pack photo lineup as the person she saw coming out of the driveway of the Romero residence, whom she knew as "Adrian." Edward Guerrero also identified appellant.

Elizabeth Guerrero later told Detective Girgle that she feared for her and her boyfriend's safety. At trial, she stated that she did not want to be "labeled as a rat, a snitch." She refused to identify appellant in court and claimed it was his cousin stating, "They all look the damn same. Tell you the truth, I can't even tell you."

We have examined the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.